

HHR

UNITED STATES DISTRICT COURT
Northern District of Illinois
EASTERN Division

WALTER STEVEN carlos-El VS Tom Dart et al

FILED

5-6-2008

MAY 6 2008

civil no: 08cv1176

MICHAEL W. BOBBINS
CLERK, U.S. DISTRICT COURT

NOTICE OF APPEAL

Now comes WALTER STEVEN carlos-El
pro se in want of counsel, and submit the
NOTICE OF APPEAL in CIVIL CASE NO. 08cv1176
which Judge AMY ST. EVE who was the
Honorable Judge in the case; WALTER
STEVEN carlos-El VS Tom Dart et al in
the Writ of HABEAS CORPUS 28 USC § 2241.

DATE

4-20-08

Respectfully Submitted

WALTER STEVEN carlos-El

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 08cv1176

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

Walter Steven Carlos-El (Appellant)	People of the State of Illinois
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	Walter Steven Carlos-El	Name	n/a
Firm	#2007-0082858	Firm	
Address	Cook County Jail P.O. Box 089002 Chicago, IL 60608	Address	
Phone	n/a	Phone	

Other Information

District Judge	St. Eve	Date Filed in District Court	3/5/08
Court Reporter	J. Rickhoff (ext 5562)	Date of Judgment	3/6/08
Nature of Suit Code	530	Date of Notice of Appeal	5/15/08

COUNSEL: Appointed Retained Pro Se

FEE STATUS: Paid Due IFP
 IFP Pending U.S. Waived

Has Docketing Statement been filed with the District Court Clerk's Office? Yes No

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted Denied Pending

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

Additional Counsel

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name		Name	
Firm		Firm	
Address		Address	
Phone		Phone	

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name		Name	
Firm		Firm	
Address		Address	
Phone		Phone	

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name		Name	
Firm		Firm	
Address		Address	
Phone		Phone	

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name		Name	
Firm		Firm	
Address		Address	
Phone		Phone	

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name		Name	
Firm		Firm	
Address		Address	
Phone		Phone	

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1176	DATE	3/5/2008
CASE TITLE	U.S. ex rel. Walter Carlos-El (#2007-0082858) v. People of the State of Illinois		

DOCKET ENTRY TEXT:

Petitioner, Walter Steven Carlos-El, currently incarcerated at Cook County Jail, has filed a petition for habeas corpus relief. However, Petitioner is not entitled to federal habeas relief at this time, and the Court dismisses the petition without prejudice. *See Rule 4, Rules Governing § 2254 Cases.* Petitioner's motion to proceed *in forma pauperis* [3] is denied. This case is terminated.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Petitioner, Walter Steven Carlos-El (#2007-0082858), currently incarcerated at Cook County Jail, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner asserts several challenges to his pending state criminal proceedings, and he argues that his arrest and search were conducted without a warrant or probable cause, that he was improperly indicted for burglary, that he is unable to call witnesses at trial, and that he was improperly administered medication for a mental condition in order to make him fit for trial.

Federal courts do not interfere with pending state criminal proceedings except in special circumstances, and only after the petitioner has exhausted state court remedies. *Younger v. Harris*, 401 U.S. 37 (1971); *see also Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 489-92 (1973); *United States v. Castor*, 937 F.2d 293, 296-97 (7th Cir. 1991); *Neville v. Cavanaugh*, 611 F.2d 673, 675 (7th Cir. 1979). Special circumstances are generally limited to issues of double jeopardy and speedy trial. *See Braden*, 410 U.S. 484, 488-90 (speedy trial claim); *Blanck v. Waukesha County*, 48 F. Supp.2d 859, 860 (E.D. Wisc. 1999) (discussing double jeopardy claims); *see also Williams v. Bush*, 2007 WL 3197202, *1 (E.D. Mo. Oct 26, 2007).

The current petition does not present special circumstances. Petitioner's current habeas challenges, which would be moot if the criminal proceedings end in his favor, present claims that may be raised in this Court only after Petitioner has been convicted and has exhausted state court remedies. Petitioner's claims do not warrant this Court interfering with an ongoing state criminal proceeding. Accordingly, the Court dismisses Petitioner's current petition for federal habeas relief.

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APPEAL, HABEAS, PC, SCHENKIER, TERMED

United States District Court**Northern District of Illinois – CM/ECF LIVE, Ver 3.1.3 (Chicago)****CIVIL DOCKET FOR CASE #: 1:08-cv-01176*****Internal Use Only***

Carlos-El v. Devine et al
 Assigned to: Honorable Amy J. St. Eve
 Case in other court: 08-02132
 Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 03/05/2008
 Date Terminated: 03/05/2008
 Jury Demand: None
 Nature of Suit: 530 Prisoner: Habeas
 Corpus
 Jurisdiction: Federal Question

Petitioner

Walter Steven Carlos-El
United States of America, ex rel.

represented by **Walter Steven Carlos-El**
 #2007-0082858
 Cook County Jail
 P. O. Box 089002
 Chicago, IL 60608
 PRO SE

V.

Respondent**People of the State of Illinois****Respondent**

Richard A. Devine
States Attorney

Respondent

Veryl Gambino
A.S.A.

Respondent

Stanley J. Sacks
Associate Judge

Respondent

Thomas Dart
Sheriff

Service List

represented by **Chief of Criminal Appeals**
 Attorney General's Office
 100 West Randolph – 12 Floor
 Chicago, IL 60601
 ATTORNEY TO BE NOTICED

Prisoner Correspondence – Internal Use Only
 Email: Prison1_ILND@ilnd.uscourts.gov
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/26/2008	1	RECEIVED Petition for writ of habeas corpus and no copies by Walter Steven Carlos-El (Exhibits) (hp,) (Entered: 02/27/2008)

02/26/2008	<u>2</u>	CIVIL Cover Sheet (hp,) (Entered: 02/27/2008)
02/26/2008	<u>3</u>	APPLICATION by Petitioner Walter Steven Carlos-El for leave to proceed in forma pauperis and financial affidavit (hp,) (Entered: 02/27/2008)
02/26/2008	<u>4</u>	COVER LETTER from petitioner Walter Steven Carlos-El regarding filing writ of habeas corpus (hp,) (Entered: 02/27/2008)
02/26/2008	<u>6</u>	POST MARKED envelope for initiating document by Walter Steven Carlos-El (Document not scanned) (aew,) (Entered: 03/06/2008)
03/05/2008	<u>5</u>	MINUTE entry before Judge Amy J. St. Eve : Petitioner, Walter Steven Carlos-El, currently incarcerated at Cook County Jail, has filed a petition for habeas corpus relief. However, Petitioner is not entitled to federal habeas relief at this time, and the Court dismisses the petition without prejudice. See Rule 4, Rules Governing § 2254 Cases. Petitioner's motion to proceed in forma pauperis <u>3</u> is denied. This case is terminated. [For further details see text below.] Civil case terminated. Mailed notice (hp,) (Entered: 03/06/2008)
03/28/2008	<u>7</u>	MOTION by Petitioner Walter Steven Carlos-El to alter or for reconsideration pursuant to Federal Rule of Civil Procedure, Rule 59(e)re <u>5</u> ; Notice of Filing (hp,). (Entered: 03/31/2008)
04/24/2008	<u>8</u>	MINUTE entry before Judge Honorable Amy J. St. Eve:Petitioners motion for reconsideration of the Courts 3/5/08 order <u>7</u> is denied.Mailed notice (tmh,) (Entered: 04/24/2008)
05/06/2008	<u>9</u>	NOTICE of appeal by Walter Steven Carlos-El regarding orders, fee waived. (air,) (Entered: 05/07/2008)
05/06/2008	<u>11</u>	DESIGNATION by Walter Steven Carlos-El of record on appeal. (air,) (Entered: 05/07/2008)
05/06/2008	<u>13</u>	POST MARKED envelope for notice of appeal by Walter Steven Carlos-El (Document not scanned) (aew,) (Entered: 05/13/2008)
05/07/2008	<u>10</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>9</u> . Notified counsel (air,) (Entered: 05/07/2008)
05/07/2008	<u>12</u>	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal <u>9</u> ; USCA Case No. 08-2132 (hp,) (Entered: 05/09/2008)
05/15/2008	<u>14</u>	NOTICE of appeal by Walter Steven Carlos-El regarding orders <u>5</u> fee waived. (air,) (Entered: 05/16/2008)